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claims of the states. The book is a permanent contribution to the political, industrial, and commercial history of our country, and is a fitting introduction to the westward movement which, precipitated by the incorporation of the Ohio Company in 1748, never ceased until the disappearance of the frontier in 1880.

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The Supreme Court and Unconstitutional Legislation. By BLAINE FREE MOORE, "Columbia University Studies in History, Economics, and Public Law," Vol. LIV, No. 2. New York: Columbia University, 1913. 8vo, pp. 158. \$1.00.

This monograph is an exposition and criticism of the most important cases in which the United States Supreme Court has exercised the power of declaring laws unconstitutional. It contains little that is novel, but has put in succinct form much that has been written of recent years concerning this power which the courts have exercised over legislation.

The author considers the origin of this power, first in the state courts and then in the United States Supreme Court, and after a review of the cases in the former he comes to the conclusion that this unique "assumption" of power by a branch of government was aggressively and boldly claimed by many state courts contemporaneously, without the foundation or excuse of constitutional grant, and without even the attempted proof that the power was intended to be implied from the constitution by the framers. The author finds that the United States Supreme Court also asserted this power without even an attempted justification by the quotation of state or national precedents, and that while the court was somewhat reluctant early in its existence to interfere with state governments by nullifying acts of the state legislatures, it did this with little compunction at a somewhat later period. Today, the author concludes, the court even assumes the attitude of a superior disciplining an inferior when it declares state legislation void. This has been one of the sources of criticism of the court.

In analyzing the statutes nullified by the Supreme Court the author concludes that Congress has not been very seriously checked by the Supreme Court; that so far as the division and co-ordination of powers goes, very little use has been made of this principle except to protect the power of the court itself; that so far as the civil rights of the individual are concerned, the court has efficiently but not aggressively protected them; that in questions involving important political policy the court has uniformly and signally failed; and finally, that in questions affecting social-economic problems the court has checked Congress in a few well-known instances, but not generally. The author concludes by briefly adverting to the two constitutional remedies

possible if the court should be found illiberal in the present crisis in social and industrial conditions, i.e., constitutional amendment, and proper attention to the personnel of the court and public criticism of its decisions. His conclusion is that neither of the remedies is of much effect.

Appended to the volume is an interesting summary of the cases in which the United States Supreme Court has held statutes unconstitutional, classified chronologically, by states and according to the clauses of the Constitution under which they come. It is worthy of note that in but thirty-three cases have statutes of the United States been held unconstitutional, but two hundred twenty-three state statutes were voided by the Supreme Court.

The Economic Utilization of History. By HENRY W. FARNAM. New Haven: Yale University Press, 1913. 12mo, pp. viii+220. \$1.25 net.

The economic utilization of history signifies the application of experimental methods to economic phenomena with the intent to discover general economic laws. It differs from the economic interpretation of history which emphasizes the historical element and is often merely descriptive, and it is of far bigger import than single isolated experiments in social policy. Neither of these other efforts seeks the determination of scientific laws. It is the author's contention, however, that by methods directly analogous to the experimental methods of other sciences economic laws can be formulated which may be the bases for scientific action, particularly as relates to economic pathology.

It is true that investigators cannot deliberately institute economic experiments, but it is also true that the exigencies of dynamic life are continually forcing upon society every sort of new procedure. It is the part of the student to observe these trial-and-error methods, and to furnish the machinery which shall collect and analyze all available material. In its widest and most practical application as concerns the affairs of a nation or of the world, this theory demands the fullest utilization of all educational activities, it necessitates co-operation between all social agencies and all state agencies—legislative, investigative, and administrative; it exacts the most minute details while proposing the highest aims. The author believes that the United States, with its various states legislating independently and under constantly changing conditions, offers a field of peculiar value for just this sort of experimentation.

The application of laboratory methods to special phases of economic activity is not new; it is the breadth of the application here outlined that brings the stimulating thought to the reader. Though countless controversial points and difficulties suggest themselves, nevertheless the conception embodies a practical idealism which presents a working basis for social philosophy. It was with this theory in mind that Professor Farnam has viewed his work with the American Association for Labor Legislation, the Connecticut